

TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

Board of Selectmen Meeting Minutes

Monday, September 10, 2012 at 6:00 P.M. Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectwoman Karyn Puleo, Selectman Rick Reault, Selectman Robert Jackson, Selectman Allen Curseaden, Selectman Corliss Lambert.

Staff Present: Town Administrator Michael Gilleberto, Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

The Vice-Chairman announced the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall".

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman called the meeting to order. The Pledge of Allegiance was recited. The Board was introduced.

2. New Business

A. Special Permit Request - Home Business at 3 Hemmingway Road

The Chairman opened the hearing, the Clerk read the legal notice, the Board voted 5-0 on a motion by Selectwoman Puleo, second by Selectman Reault, to waive the reading of the abutter list. The Chairman invited Ms. Reynolds to come forward and present her petition. The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lambert to open the hearing. Ms. Reynolds presented her petition for a special permit to allow her to conduct a business as a one on one personal trainer at her home. She has been doing personal training for 10 years, she has a home gym at her home and would like to offer the training. The business will be a one on one training, there will be one additional vehicle per hour, no changes to the dwelling will take place, there will be no loud music or nuisances. Ms. Reynolds will train between the hours of 7AM - 7PM Monday - Friday there will no training on Saturday or Sunday. The Chairman asked if there were any abutters who wished to speak in favor of the petition at the meeting. Mr. Guy Denommee and Attorney Nicosia spoke favorably about the petitioner. The President of the Home Owners Association informed the Board that there are no regulations prohibiting the petition so long as there is no change to the structure and that it poses no nuisances to the neighborhood. A direct abutter, Ms. Hammel wrote a letter of support for Ms. Reynolds petition. The Chairman asked if there were abutters present to speak against the petition no one came forward. An abutter entered the meeting after the hearing was voted on but let a written statement that was read into the minutes by the Town Administrator. A letter was submitted by Mr. Jayachandran stating his opposition to the petition because of increase traffic may affect the safety of his children and may also lower his homes valuation. The Board had concerns about the parking on the street, will the one on one expand to classes, the hours of operation and if this petition is granted what stops other petitioners from requesting home occupations. Ms. Reynolds reiterated that her training will be a

one on one and will not expand to classes; the hours will be 7AM – 7PM Mon – Fri. The traffic will be one to two vehicles as one trainee leaves and another will arrive.

Selectman Lambert's question: if the Board grants this petition will the Board have set a precedent and lose control over others opening home businesses? Attorney Nicosia replied that the zoning has not changed it will remain a residential zone. The by-law has an accessory use provision in the Table of Uses that does not allow accessory use without a Special Permit which requires a hearing before the Board of Selectmen and each provisions will be evaluated on a case by case criteria. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Puleo to close the hearing.

Roll Call Vote: Selectman Lambert, yes; Selectman Curseaden, yes; Selectwoman Puleo, yes; Selectman Jackson, yes; Selectman Reault, yes.

The Board voted 5-0-0 on a motion by Selectwoman Puleo , second by Selectman Lambert to grant the request for a special permit under section 2.11.50 of the Town Zoning By-laws to allow Megan Reynolds of 3 Hemmingway Road to operate a personal training business as a home occupation with the following conditions: 1) the hours will be Monday – Friday from 7AM to 7PM; 2) parking limited to the driveway preferred; 3) no signage; 4) no structural changes to the dwelling; 5) no more than two (2) trainees; further this special permit use is in harmony with the purpose and intent of the by-law; is not detrimental or injurious to the neighborhood; is appropriate for this location; and complies with all applicable requirements of the By-law.

Roll Call Vote: Selectman Lambert, yes; Selectman Curseaden, yes; Selectwoman Puleo, yes; Selectman Jackson, yes; Selectman Reault, yes.

B. Class II License Request – 3A Gas, 257 Middlesex Road

The Chairman invited the petitioner Mr. Robert Khouzami to come forward and present his petition. Mr. Khouzami was in attendance with his attorney Mr. Nicosia, Attorney Nicosia present the petition to the Board. The establishment has been at this location for many years, the petitioner is meeting with the Planning Board for site approval for a canopy and to maximize the use. The Town Meeting passed the zoning change allowing a Class II License for the sale of second hand used cars. The original request was for seven (7) cars but after review by the Fire Department it was recommended Mr. Khouzami downsize to five (5) to allow more space for safety vehicles, and to place the vehicles along the fence area. Mr. Khouzami was in agreement and will make the adjustments.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the Class II License with the following conditions: limiting the vehicles to five (5) and to place the vehicles along the fence.

3. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. Meeting Minutes Review/Approve

A. Monday August 27, 2012

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lambert, to approve the minutes of Monday August 27, 2012.

Executive Session Minutes Review/Approve/Not Release

B. Monday August 27, 2012

The Board voted 3-0-2 on a motion by Selectman Reault, second by Selectman Lambert, to approve but not release the exec session minutes of Monday August 27, 2012.

5. Old Business

A. Administration –review screening process

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to appoint Selectwoman Puleo and Selectman Lambert to the Screening Committee to review the application for the position of Assistant Town Administrator. The two Selectmen and Town Administrator will review and will bring forth 3 candidates for the Board to interview.

B. Comcast Cable Franchise Agreement – Update

The Town Administrator along with the negotiating team met with representatives from Comcast to review equipment and to discuss the needs of the community.

C. Housing Production Plan – review comments received and upcoming schedule

The Administrator received two comments on the Housing Production Plan; a letter was received from the Tyngsborough Housing Authority and a letter from the Tyngsborough School Superintendent. The letters will be forward along to NMCOG to be included in the production plan. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to authorize the Town Administrator to forward the letters to Mr. Donovan at NMCOG.

D. Pawtucket Boulevard Signage – Update

The Town Administrator updated on the Pawtucket Blvd signage, Mass DOT has identified the five businesses that have been impacted with the new design and will put up the signs shortly.

6. New Business

A. Frost Road Park – discussion

• Access restriction

The Board requested comments from the Police Chief on the activities at the park. There have been no major incidents at the park, some graffiti and a couple of individuals who were asked to leave. Mr. Estochen from the Park and Recreation Dept. says the park is in good shape not much for the Rec Dept to do at this time. Mr. Estochen has not heard any negative thoughts on opening the park to all residents and non-residents. The Selectmen discussed briefly about installing cameras so that the dispatch center can monitor the activities, also discussed the possibility of installing a control mechanism to assist in the traffic flow. The Board favoring opening the park to residents and non-residents so that the park could be enjoyed by all voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to amend the first line in the Frost Road Park Rules to allow the park to be used by residents and non-residents effective at sunrise tomorrow.

• Improvements

The bank stabilization is slated to commence this fall once the appropriation is secured. The vacant building is secured. The stabilization of the banking will be done before winter, if not the Board asked that it be before the Board for further discussion.

B. Use of Technology in Town Offices – discussion

The Town Administrator gave a brief overview of the technology needed to help better the technology at the Town Hall and will aid in the meetings. The Building Departments GED program needs upgrading and started to look into making the program accessible to the Collector's office and also the School Department. There is a warrant article to procure the funding to expand the program.

C. Relocation of records store at Winslow School

The dilemma facing the relocation of records has been found, the use of the Early Childhood Center will not be expanding for additional classrooms this leave the extra room identified earlier to place the Town's records at the School. The Board supports the concept and there will be details to discuss at a future meeting.

D. Special Town Meeting – initial review of warrant articles

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to defer the review the Special Town Warrant Articles on Monday September 17, 2012 at 6:30 PM

E. Chestnut/Groton Road Reconstruction – approve contract

Chestnut and Groton Roads are on a list prepared by the Highway Administrator for resurfacing. The Highway Administrator has a running list of roads that need repairs and has determined which road needs to be done according to the conditions of the roads. The Board had concerns on the preparation of the road, the widening, and the raising of the casting. The Highway Administrator

stated that they have already widened as much of the road as they could, and as for the sub-base it is not the best but is a base and will be sufficient, if the you start tearing it up it could cause a more expensive repair and the casting will be adjusted.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the contract to resurface Chestnut and Groton Roads as prepared by Town Counsel.

F. Financial Offices Reorganization – Discussion

The Administrator presented information to the Board on the reorganization of the Town's financial offices. He has included a written opinion from Labor Counsel outlining the Board's options. The Administrator has included a proposal submitted by the Interim Town Accountant to extend his appointment through December 31, 2012, the Interim Town Accountant has also submitted alternatives (at the request of the Town Administrator) for the Board to consider. It may be required that the Board discuss the reorganization in Executive Session. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to re-appoint the Interim Town Accountant term to expire on December 31, 2012.

G. Green Communities program – review status

- **Grant**

The Town Administrator has met with the Representative from DOER and had discussions on the repurposing of the grant funds of \$20,284 for the incremental costs of a hybrid option on the purchase of a vehicle for the Fire Department. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to approve the use of the Green Communities grant funds \$20,284 for the Fire Department's Vehicle. The Administrator has submitted to the Board a draft of the proposed re-purposes of the grant money.

- **Electric Charging Stations – site locations**

The site location at the center of town for the charging stations would not be the best place, a better location would be at the Town Hall/Library. The use of a retail site is not as common but could be reviewed. The Board supports the Town Administrator looking into the private sector site and supports the installation of the two charging stations at the Library.

- **Energy and Environmental Affairs Committee**

No discussions on the committee at this time.

H. Special Police Officer – Appointments

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to appoint Michael J. Jelley as a Special Police Officer.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, to appoint Luis X. Valdez as a Special Police Officer.

7. Citizen/Business Time – No one came forward this evening.

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8. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Clerk read the list of correspondence received. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman to accept the correspondence as read. The Board after reviewing the correspondence has asked the Administrator to contact the following organization and invite them to a future meeting: the Recreation Commission; the Innovation Charter School Manager; the Greater Lowell Technical High School Business Manager and the Planning Board to attend the meeting of Sept. 17 for comments on the warrant articles on the zoning changes.

9. Review of Weekly Warrants

The Town Administrator read into the minutes the following weekly warrants, and read into the minutes the following warrants: Warrant 11B for \$778,455.12 on 9/20/2011; Warrant 11S for \$221,233.26 on 9/10/2012; Warrant 11P for \$70,011.73 on 9/10/2012; Warrant 10B for \$109,326.28 on 9/10/2012.

10. Town Administrator's Reports – No Report this Evening.

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

11. Selectmen's Reports

The Selectmen recognized that the Town Administrator was busy this past week coordinating other Town business. The Blood Drive is on for September 16 at the Recreation Center. The ceremony in recognition of the bridge opening was well attended and all went well.

12. Executive Session (if needed)

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

A. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body.

B. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

The Board voted on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, and to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel, and to return to open session only to adjourn. Roll Call Vote: Selectwoman Puleo, yes; Selectman Reault, yes; Selectman Jackson, yes, Selectman Lambert, yes.

The Board entered into executive session at 8:40 P.M.

13. Adjournment

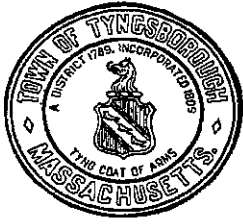
The Board exited executive session at 9:20 P.M.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting. The meeting adjourned at 9:20 PM.

Respectfully Submitted by

Therese Gay
Admin Assistant

Approved on Monday September 24, 2012



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Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

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- B. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.**

13. Adjournment

Future Meetings

Monday, September 24, 2012 at 6:00 PM at the Town Offices

Monday, October 01, 2012 at 6:00 PM at the Town Offices

Monday, October 22, 2012 at 6:00 PM at the Town Offices

Monday, October 29, 2012 at 6:00 PM at the Town Offices

[illegible]